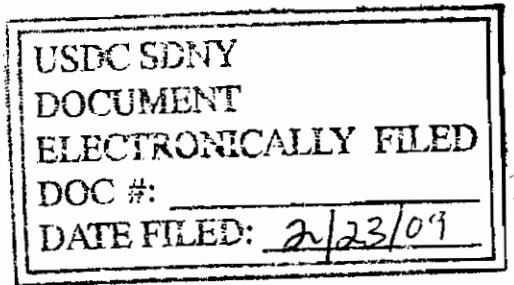


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
SYNERGETICS USA, INC.,

Plaintiff,

-v-

ALCON LABORATORIES, INC. and ALCON,
INC.,

Defendants.
-----X

08 CIV. 3669 (DLC)

ORDER

DENISE COTE, District Judge:

Plaintiff has requested leave to amend in the event that the motion to dismiss is granted but has not attached a proposed amended complaint or otherwise explained how a second amended complaint could cure the deficiencies in its pleading. The plaintiff will be given one final opportunity to amend. Accordingly, it is hereby

ORDERED that the plaintiff shall file its second amended complaint by March 6, 2009.

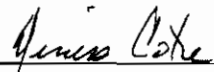
IT IS FURTHER ORDERED that defendants shall answer or otherwise move with respect to the second amended complaint by March 27, 2009. In the event a motion to dismiss is filed, plaintiff's opposition shall be due April 17. Any reply shall be due May 1.

IT IS FURTHER ORDERED that at the time any Reply is served the moving party shall supply two courtesy copies of all motion

papers to Chambers by delivering them to the Courthouse
Mailroom, 8th Floor, United States Courthouse, 500 Pearl Street,
New York, New York.

SO ORDERED:

Dated: New York, New York
February 23, 2009



DENISE COTE
United States District Judge